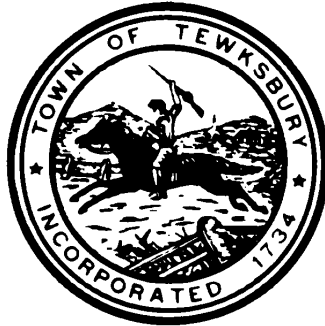


# **SPECIAL TOWN MEETING**

**2015  
WARRANT**



**TOWN OF TEWKSBURY  
COMMONWEALTH OF MASSACHUSETTS**

## **Finance Committee Public Hearing**

**September 23, 2015     7:00 P.M.**

Pike House, 464 Main Street

## **Special Town Meeting**

**October 6, 2015     7:00 P.M.**

Tewksbury Memorial High School

**Town of Tewksbury Website: <http://www.tewksbury-ma.gov>**

## **TOWN MEETING GUIDELINES**

- \*\* Voters and Visitors shall have their identification ribbons conspicuously displayed.
- \*\* Visitors shall sit in the designated VISITORS SECTION unless they are assigned to a designated area.
- \*\* Standing at the doors or in the aisles inside the gymnasium or auditorium is prohibited.
- \*\* No one shall enter the gymnasium or auditorium while voting is in progress.
- \*\* Everyone shall be at a seat so as to allow the vote to be counted without hindrance.
- \*\* Collecting signatures upon petitions or nomination papers is prohibited in the building where the Town Meeting is being held.
- \*\* Food and beverages are not allowed in the gymnasium or auditorium as per order of the School Committee.
- \*\* Smoking is not allowed in the School Building or on School Property.
- \*\* To prevent active interference with the conduct of the Town Meeting, any person taping, videotaping or using any other means of sonic reproduction is assigned to the designated Press Table or the side aisle perimeters of the gymnasium or auditorium.

**This meeting is being held at a site which is physically accessible to persons with disabilities.**

**For further information please call 978-640-4355.**

**CART services need to be requested as early as possible, as CART providers often fill their schedule 2-3 months in advance. Other reasonable accommodations for disability related needs will be provided upon request.**

**WEBSITE:** Town: [www.tewksbury-ma.gov](http://www.tewksbury-ma.gov) School: <http://www.tewksbury.k12.ma.us/> Library: [www.tewksburypl.org/Pages/index](http://www.tewksburypl.org/Pages/index)

**FACEBOOK:** Town: [www.facebook.com/pages/Town-of-Tewksbury/393895750722817](https://www.facebook.com/pages/Town-of-Tewksbury/393895750722817)

**Library:** [www.facebook.com/TewksburyLib](https://www.facebook.com/TewksburyLib) **Tewksbury Farmers Market:** [www.facebook.com/pages/Tewksbury-Farmers-Market/1503117429909936](https://www.facebook.com/pages/Tewksbury-Farmers-Market/1503117429909936)

**TWITTER:** Town: @Town ofTewksbury Library: @TewksburyLib Police: @TewksburyPD Fire: @TewksburyFire

Middlesex, ss:

To any of the Constables of the Town of Tewksbury, in said County:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Tewksbury, qualified to vote in Town affairs, to meet and assemble at the Tewksbury Memorial High School, 320 Pleasant Street, in said Tewksbury on Tuesday, October 6, 2015, at 7:00 P.M. to act on the following articles:

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**ARTICLE 1**

To see if the Town will vote to raise and appropriate the sum of \$1,137,871 to fund the following Fiscal Year (FY2016) Budgets; or take any action relative thereto.

School Budget Salaries	\$18,607
School Budget Operating	\$102,532
School Budget Capital Outlay	\$200,000
School Budget Health Insurance	\$360,567
COA Operating	\$31,000
Police Capital Outlay	\$28,735
Fire Salaries	\$118,117
Fire Operating	\$31,000
Computer Services Capital Outlay	\$10,000
Town Hall Annex Capital Outlay	\$10,000
Community Development Operating	\$75,000
DPW Administration Salaries	\$10,313
DPW Administration Capital Outlay	\$10,000
DPW Fleet Maintenance Capital Outlay	<u>\$132,000</u>
<b>Total Raise and Appropriate</b>	<b>\$1,137,871</b>

Town Manager

**Executive Summary:** This article raises and appropriates funds to FY2016 Budgets. The additional funds are available since State and Local revenue will be higher than projected.

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**ARTICLE 2**

To see if the Town will vote to raise and appropriate \$117,000 to fund and implement the Collective Bargaining Agreement between the Town and the International Association of Firefighters AFL-CIO, Tewksbury Firefighters Local 1647 beginning July 1, 2015; or take any action relative thereto.

Town Manager

**Executive Summary:** The intent of this article is to appropriate funds for a new labor agreement with the International Association of Firefighters AFL-CIO, Tewksbury Firefighters Local 1647 and implement the labor agreement and distribute funds in Fiscal Year 2016.

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### **ARTICLE 3**

To see if the Town will vote to raise and appropriate the sum \$30,214.54 to Fiscal Year 2015 budgets in order to pay for the following outstanding bills from the previous year; or take any action relative thereto.

Merrimack Education Collaborative	\$28,590.17
Ingram Library Services	\$921.23
National Grid	\$112.65
National Grid	\$258.06
New England Office Supply	<u>\$332.43</u>
<b>Total</b>	<b>\$ 30,214.54</b>

Town Manager

**Executive Summary:** According to Massachusetts General Laws, bills that are late must be approved by Town Meeting before payment. This article authorizes the charges to be paid.

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### **ARTICLE 4**

To see if the Town will vote to transfer the sum of \$65,000 from Water Enterprise Fund Retained Earnings and \$65,000 from Sewer Retained Earnings to be expended by the Town Manager to purchase a Utility Truck w/crane and box; or take any action relative thereto.

Town Manager

**Executive Summary:** This article allows the Town to utilize funds from both Water and Sewer Retained Earnings that were considered available as of July 1, 2015, to purchase a Utility Truck w/crane and box for use by the Water and Sewer Divisions for pump station maintenance. The cost of the vehicle is \$130,000.

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### **ARTICLE 5**

To see if the Town will vote to transfer from the certified General Fund Free Cash a sum of \$220,000 to be expended by the Town Manager to fund the following; or take any action relative thereto.

Hazardous Material Removal and Demolition Former Police Station	\$100,000
Backhoe with Attachments and Accessories	<u>\$120,000</u>
<b>Total</b>	<b>\$220,000</b>

Town Manager

**Executive Summary:** This article transfers funds from certified free cash for the demolition of the former police station including hazardous material removal and all related site work. In addition to these funds, a previous warrant article appropriated \$50,000 for this work, but based upon projected costs it was not sufficient and further funding was needed. This article also funds the purchase of a new backhoe with attachments and accessories for the DPW Highway Division.

## **ARTICLE 6**

To see if the Town will vote to transfer from the certified General Fund Free Cash the sum of \$207,500 for School Department Capital Expenditures; or take any action relative thereto.

Pickup Truck with Plow	\$49,000
Water Boilers for the Wynn and Ryan Schools	\$70,000
Pipe work at Dewing	\$15,000
Water tank for back of truck	\$3,500
Wynn Presentation Systems in the classroom	\$20,000
Center School Feasibility and Conditions Study	<u>\$50,000</u>
<b>Total</b>	<b>\$207,500</b>

Town Manager

**Executive Summary:** Funds will be used to purchase the following: A new truck with plow and sander; new hot water heaters for both the Ryan and Wynn School which are past their useful life and need to be replaced; Pipe replacement at the Dewing School; a water tank for the back of a truck to supplement the watering of the islands and trees at Tewksbury Memorial High School; a new presentation system at the Wynn Middle School to upgrade the 10 year old computer systems that operate Smartboards in each classroom; to fund a feasibility and conditions study of the Center School

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## **ARTICLE 7**

To see if the Town will vote to re-allocate \$41,815.85 or any amount remaining from the original appropriation of \$90,000.00 as approved at the October 7, 2014 Special Town Meeting for Article 6 concerning Cafeteria Tables for four Elementary Schools. This re-allocation of funds shall be for the purpose of purchasing furniture for all Schools; or take any action relative thereto.

Town Manager

**Executive Summary:** At the Special Town Meeting in October 2014, funds were approved to purchase Cafeteria Tables for the four Elementary Schools. The \$90,000 appropriation has a balance of \$41,815.85 and this article is asking the Town for approval to use those remaining funds to purchase furniture for all Schools.

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## **ARTICLE 8**

To see if the Town will vote to transfer from certified General Fund Free Cash the sum of \$10,000 to be expended by the Town Manager to fund a Senior Tax Relief Work Program and a Veterans Tax Relief Program; or take any action relative thereto.

Town Manager

**Executive Summary:** This article allows the Town to utilize funds considered surplus from Assessors Overlay Reserve to fund a Senior Tax Relief Program/Veterans Tax Relief Program that allows eligible Senior Citizens /Veterans of the Town to work for Town and School offices and receive a reduction in their property tax bill.

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## **ARTICLE 9**

To see if the Town will vote to transfer from the certified General Fund Free Cash the sum of \$350,000 to the Other Post Employment Benefit (OPEB) Account; or take any action relative thereto.

Town Manager

**Executive Summary:** Funds will be transferred from Free Cash certified as of July 1, 2015 into the Other Post Employment Benefit Account to fund the Town's outstanding unfunded liability of \$166 million for Retiree Health Insurance.

## **ARTICLE 10**

To see if the Town will vote transfer the sum of \$1,637,157 from certified General Fund Free Cash to the Town Stabilization Fund; or take any action relative thereto.

Town Manager

**Executive Summary:** This article seeks approval to be set aside these funds in the Stabilization Fund and used for future emergencies or one time purchases or projects.

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## **ARTICLE 11**

To see if the Town of Tewksbury will vote to appropriate and transfer the sum of \$202,125 from the Tewksbury Community Preservation Fund to Rehabilitate Strong Field at Tewksbury Memorial High School, 320 Pleasant Street.

To fund this Rehabilitation of a Recreation Use, \$202,125 shall be transferred from the Tewksbury Community Preservation Undesignated Reserve Fund.

Pursuant to Massachusetts General Laws Chapter 44B or any other enabling authority, said funds are to be expended under the direction of the Town Manager and the Community Preservation Committee; or take any other action thereto.

Community Preservation Committee

**Executive Summary:** The Tewksbury School Department and the CPC request approval of CPA funds to rehabilitate Strong Field, the High School baseball field, including replacing the fencing and back stop, improving the infield clay, grass and pitching mound, replacing the bleachers with ADA accessible seating and modifying the outfield for use by other sports programs, such as field hockey and lacrosse. The current condition of the site is unsafe and prohibits full use of the facility due to its condition. The proposed fencing will be the black vinyl-coated type similar to those in the other areas of the High School Complex.

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## **ARTICLE 12**

To see if the Town of Tewksbury will vote to appropriate and transfer the sum of \$200,000 from the Tewksbury Community Preservation Fund to Rehabilitate Livingston Street Recreation Area Fences.

To fund this Rehabilitation of a Recreation Use, \$100,000 shall be transferred from the Tewksbury Community Preservation Open Space Reserve Fund and \$100,000 shall be transferred from the Tewksbury Community Preservation Undesignated Reserve Fund.

Pursuant to Massachusetts General Laws Chapter 44B or any other enabling authority, said funds are to be expended under the direction of the Town Manager and the Community Preservation Committee; or take any other action thereto.

Community Preservation Committee

**Executive Summary:** The Town Manager as the Parks Director and the CPC request approval of CPA funds to rehabilitate the Livingston Street Recreation Area by replacing fencing on the following athletic fields; Obdens, Antonelli, Memorial, Earnest, Millett and the Lacrosse Field, under the direction of the Town Manager, DPW and Town staff. These athletic fields serve several male and female town leagues and school teams. The current condition of the fences and backstops are in an unsafe condition. The proposed fencing will be the black vinyl-coated type similar to those at the existing tennis, basketball and Funway Park areas at Livingston Street.

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### **ARTICLE 13**

To see if the Town will vote to appropriate the sum of \$5,000,000 to be expended by the Town Manager for the cost of construction and engineering for the closure and remediation of the Sutton Brook Landfill, and for the payment of all costs incidental and related thereto, and to determine whether such amount should be raised by taxation, by transfer from available funds, by borrowing or by any combination of the foregoing; and, if by borrowing, the Town Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said sum under and pursuant to Chapter 44 Section 8 (21) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; or take any action relative thereto.

The motion to be presented shall read:

**Motion:** That the Town hereby appropriates the sum of \$5,000,000 to be expended by the Town Manager for the cost of construction and engineering for the closure and remediation of the Sutton Brook Landfill, and for the payment of all costs incidental and related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said sum under and pursuant to Chapter 44, Section 8(21), of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

Town Manager

**Executive Summary:** This article authorizes the Town to borrow \$5,000,000 for the cost of construction and engineering for the closure and remediation of the Sutton Brook Landfill. In accordance with the agreement signed in 2009 with the potentially responsible parties, which requires the Town to authorize this amount.

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### **ARTICLE 14**

To see if the Town will vote to amend the Personnel By-Law, Section III (e) wage schedule by amending Addendum D as follows:

Outreach Worker: Delete \$10.69 and add Minimum \$14.00 – Maximum \$17.00  
Activities Coordinator: Delete \$13.64 and add Minimum \$13.00 – Maximum \$16.00  
Add Nutrition Aide Minimum \$11.00 – Maximum \$15.00

or take any action relative thereto.

Town Manager

**Executive Summary:** The Article seeks to adjust the pay scale for the Outreach Worker and Activities Coordinator in Addendum D of the Personnel By-Law and adds a new position of Nutrition Aide.

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### **ARTICLE 15**

To see if the Town will vote to authorize the Board of Selectmen to submit a Home Rule Petition to the General Court of the Commonwealth of Massachusetts that if enacted would amend the Town's Special Act Charter by deleting the third sentence of Section 5A which reads:

“He need not be a resident of the town or of the commonwealth when appointed, but shall become a resident of the town or live within a ten mile radius of the town during the first year of his appointment,”

or take any action relative thereto.

Board of Selectmen

**Executive Summary:** The Article seeks Town approval to petition the State Legislature amend the Town Charter to remove the requirement the Town Manager live within a 10 mile radius of the Town.

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### **ARTICLE 16**

To see whether the Town will vote to accept Massachusetts General Laws, Chapter 59, Section 5, Clause 5C (Chapter 61 of the Acts of 2008); or take any action relative thereto.

Town Manager

**Executive Summary:** This article provides for an exemption of up to \$1,500,000 in value for eligible non-profit Veterans organizations.

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#### **ARTICLE 17**

To see if the Town will vote to transfer a Town owned parcel identified as Map 92 Lot 33 to the Tewksbury Conservation Commission to allow for protection under Article 97 of Commonwealth Constitution.

Town Manager

**Executive Summary:** The purpose of this article is to more specifically place the above mentioned parcel under control of the Tewksbury Conservation Commission and have this parcel protected in perpetuity under Article 97. At Town Meeting in 2004, Town residents voted to put a conservation restriction on this parcel due to the findings of a Wildlife Habitat Study that found two vernal pools on the property.

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#### **ARTICLE 18**

To see if the Town will vote to amend the Tewksbury Zoning Bylaw by taking the following steps:

Step 1: Amend Appendix A: TABLE OF USE REGULATIONS by changing the use allowed as set forth in the WNB column as follows:

- C. 32 change N to PB(1)
- C. 37 change SP to Y
- C. 38 change N to Y(1)
- D. 2 change PB(1) to Y(1)
- D. 3 change PB(1) to Y(1)
- D. 4 change PB(1) to Y(1)
- D. 16 change N to PB(1)

Step 2: Amend Section 3110 as follows where underlined text is new language:

PB(1) – Westside Neighborhood Business District – Special Permit/Planning Board Westerly side of Woburn Street and Parcels of land on the Easterly side of Woburn Street that abut the Town of Billerica /Town of Tewksbury Town Line and Parcels that are immediate abutters to said Parcels only.

Y(1) – Westside Neighborhood Business District – Permitted use of right Westerly side of Woburn Street and Parcels of land on the Easterly side of Woburn Street that abut the Town of Billerica /Town of Tewksbury Town Line and Parcels that are immediate abutters to said Parcels only.

Planning Board

**Executive Summary:** This article amends the recently approved Westside Neighborhood Business District by allowing commercial and industrial uses to the larger commercial/ industrial parcels that are on the east side of Woburn Street abutting the Town of Billerica and immediate abutters to those parcels.

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#### **ARTICLE 19**

To see if the town will vote, pursuant to Massachusetts General Laws Chapter 82, Sections 21-24, as amended, and any other applicable statutes, to accept the laying out as a town way by order of the Board of Selectmen:

A certain parcel of land situated in Tewksbury, Middlesex County, Massachusetts shown as Crystal Circle (formerly referred to as Crystal Avenue) on a plan entitled, "Street Acceptance Plan, Crystal Circle, Tewksbury, MA dated January 20, 2015, prepared by Cuoco & Cormier Engineering Associates , Inc., 170 Main St., Unit 212, Tewksbury, MA 01876," a copy of which plan has been filed with the office of the Town Clerk and the Department of Community Development; and such plan is referred to for more particular description and to authorize the Board of Selectmen to take by eminent domain or be acceptance of a deed, an easement, or in fee; or take any other action relative thereto.

Petitioner: John O'Neil and Others

**Executive Summary:** The purpose of this article is to accept Crystal Circle as a public way (Town Street).

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And you are directed to serve the within Warrant by posting up true and attested copies thereof upon the Town Hall and in each precinct, fourteen (14) days at least before the time of holding said meeting; also, leaving additional copies at the Town Hall or at such convenient places as the Selectmen shall think proper in said Town of Tewksbury.

HEREOF, FAIL NOT, AND MAKE DUE RETURNS OF THIS WARRANT, with your doings thereon, to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this 15<sup>th</sup> day of September in the Year of Our Lord, Two Thousand and Fifteen.

BOARD OF SELECTMEN



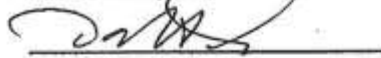
Todd R. Johnson, Chairman



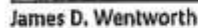
Bruce Panilaitis, Vice Chairman



Mark Kratman, Clerk



David H. Gay



James D. Wentworth

## **GLOSSARY OF TERMS**

### **Town Meeting:**

A duly called meeting in which all Town of Tewksbury registered voters are eligible to participate to act upon fiscal issues, zoning changes, by-law amendments, and other matters affecting the Town. Each voter has one vote in the decision making process.

The Annual Town Meeting is held each May to decide issues for the fiscal year starting July first. Special Town Meeting(s) may be called at other times, to address issues that cannot wait for the next Annual Town Meeting, a Special Town Meeting is called by the Board of Selectmen; or by a petition of 200 registered voters.

### **Warrant:**

Public notice of business to be considered at the Town Meeting. It is publicly posted in each Precinct throughout the Town, on the Town's Website <http://www.tewksbury-ma.gov/board-of-selectmen/pages/town-warrants> and describes all of the Articles which will be acted upon at the Town Meeting.

### **Article(s):**

Individual subjects are described in the articles so that all voters are warned of potential action to be taken. The scope of each article sets the bounds of action that may be taken. Articles are submitted by the Town Departments or by voter petitions. Articles submitted by voter petitions require ten (10) or more registered voters signatures for insertion in the Annual Town Meeting Warrant, and one hundred (100) or more registered voters signatures for insertion in a Special Town Meeting Warrant.

### **General Information:**

The Moderator presides at the Town Meeting and is responsible for the ruling on procedural matters, overseeing an orderly debate, announcing the result of all votes and preserving decorum.

The proceedings are governed by Town Meeting Time, a handbook of parliamentary law prepared under the auspices of the Massachusetts Moderators Association. This guide may be simpler and easier to understand than the more widely known and consulted Robert's Rules of Order. Copies are available for reference at the Town Clerk's Office, Board of Selectmen's Office and the Tewksbury Public Library.

Registered voters are entitled to attend, address and vote at the Meeting. Visitors may attend the meeting and shall sit in the "reserved for visitors" section.

A voter desiring to speak should approach the microphone, await recognition by the Moderator, and identify him or herself when recognized by name and address.

### **Motions, Motions to Amend, and Votes Required:**

An Article in the Warrant states a question for the Town Meeting voters to answer. Separate issues are described in the Town Meeting Articles so that all voters are warned of potential action to be taken. The scope or intent of each Article set the bounds of action that may be taken.

Customarily the Finance Committee Chairman makes the first or Main Motion or if the Article relates to the Zoning By-Law the Planning Board Chairman will make the first or Main Motion. The sponsor or Petitioner of an article also may make the first or Main Motion.

The Motion is then open for discussion by the assembly.

Motions to Amend the Main Motion, which is within the scope or intent of the Article, may be made on the Town Meeting floor.

Ordinarily motions require a majority vote of the voters present and voting for an Article to pass. Certain motions require a 2/3, 4/5 or a 9/10 vote to pass because of the provisions of the Town By-Laws or Massachusetts General Laws. The Moderator will announce the voting requirement before each vote requiring more than a majority vote.

### **Motions For Indefinite Postponement of an Article:**

A motion to Indefinitely Postpone an Article is equivalent to a motion to take no action on the Article. If the Motion to Indefinitely Postpone the Article is Adopted; the Article is defeated.

### **Reconsideration of an Article:**

No vote on a prior Article shall be Reconsidered except to correct a procedural defect, scriveners error or an oversight. Reconsideration for the above exceptions requires a majority vote.

### **Move the Question:**

The voters have heard all the discussion that they wish to hear on the pending Article and prefer to vote at once.

The Moderator shall allow those presently standing, at the time of the motion, the opportunity to be heard and then he or she will take the vote to Move the Question.

### **Rules to Govern Speakers:**

No voter shall speak twice on any one subject, if any other voter who has not spoken already and is standing to be recognized by the moderator. No voter shall speak for more than five minutes at one time, except by vote of permission of the assembly.

**WEBSITE:** Town: [www.tewksbury-ma.gov](http://www.tewksbury-ma.gov) School: <http://www.tewksbury.k12.ma.us/> Library: [www.tewksburypl.org/Pages/index](http://www.tewksburypl.org/Pages/index)  
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**TWITTER:** Town: @Town ofTewksbury Library: @TewksburyLib Police: @TewksburyPD Fire: @TewksburyFire